



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00 - 1898  
MDL 1358 (SAS)  
M21-88

This document relates to the following case:  
*Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050

PROPOSED ORDER APPROVING SETTLEMENT  
OF ACTION ON BEHALF OF INFANTS

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CLERK'S OFFICE  
DOCKET NUMBER 03-CV-5151-S  
DATE FILED 3/15/09

Upon reading and filing the notice of motion dated April 7, 2009 and the affidavit of Michael and Cheryl Shrieve, the parents and natural guardians of Richard Shrieve and Derrike Shrieve, the infants, executed on March 28, 2009; and the affirmation of Tracey L. O'Reilly, Esq., executed on April 7, 2009;

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation Now, on motion of Miller, Axline & Sawyer and The Sarcone Law Firm, PLLC, co-counsel and attorneys for Plaintiffs Michael Shrieve, Cheryl Shrieve, Richard Shrieve, and Derrike Shrieve, it is ORDERED

Doc. 2442

1. Michael and Cheryl Shrieve, as the parents having legal custody of the infants, Richard Shrieve and Derrike Shrieve, be and are hereby authorized and permitted to compromise and settle the above-captioned action (the "Action") for and on behalf of Richard Shrieve and Derrike Shrieve, against Defendants Mobil Corporation and Exxon Mobil Corporation f/k/a Exxon Corporation (collectively, "ExxonMobil") for an amount to be determined by the Honorable Samuel G. Friedman, the special Settlement Master retained by Plaintiffs to allocate the Aggregate Settlement Payment from ExxonMobil ("Settlement Payment") to the Plaintiffs in full settlement and discharge of four actions, including this action: *Armstrong, et al., v. Sunoco*,

*Inc., et al.*, 2003-3717 (Supreme Court of the State of New York, Orange County); *Abrevaya, et al. v. Sunoco, Inc. et al.*, 2003-7403 (Supreme Court of the State of New York, Orange County); *Tonneson, et al. v. Sunoco, Inc., et al.*, (United States District Court, Southern District of New York); and *Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050 (United States District Court, Southern District of New York).

2. Within 30 days of entry of this Order Michael and Cheryl Shrieve, as the parents having legal custody of the infants, Richard Shrieve and Derrike Shrieve, shall move this Court for an order dismissing Richard Shrieve and Derrike Shrieve's claims against Defendant ExxonMobil with prejudice.

3. After this Court enters an Order dismissing, with prejudice, all Plaintiffs' claims against Defendant ExxonMobil in this action, ExxonMobil shall cause the Aggregate Settlement Payment to be paid to the Attorney Trust Account of Duane C. Miller, Esq., which shall be transferred to the Attorney Trust Account of the Settlement Master after deduction of attorneys' fees and costs and which shall be allocated to each Plaintiff as determined by the Settlement Master.

Dated May 15, 2009



Hon. Shira A. Scheindlin, U.S.D.J.